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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/950,000 10/14/97 SCHLUSER

8 424,450P01

MERCHANT GOULD SMITH EDELL
WELTER & SCHMIDT
3100 NORTHWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-4131

PM02/0412

EXAMINER

NOLAND, K

ART UNIT

PAPER NUMBER

3651

DATE MAILED:

04/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Feb 22 and March 7, 2000.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-161 ~~is~~ are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-19 and 27-161 ~~is~~ are allowed.
- ☒ Claim(s) 20, 21 and 23 ~~is~~ are rejected.
- ☒ Claim(s) 22 and 24-26 ~~is~~ are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 15 ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit: 3651

1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2 Claims 20, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al in view of Falk et al.

Taylor et al disclose the apparatus to effect the method of vending bottled beverages. The dispenser has inclined shelves 4 or 'queues' and the escapement, device 11,12 which releases a bottle on an aligned 'robotic' assembly 6 which positions itself adjacent the escapement device to receive a bottle and deliver it to the delivery port 2. To provide Taylor et al's vending machine for a transparent view panel would be obvious in view of the teachings of Falk et al's use of the transparent front panel (53) which also is used to display the merchandise (see the abstract).

3 Claims 22 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4 Claims 1-19 and 27-161 are allowed.

5. Applicant's remarks have been fully considered and with regard to the allowed claims, they are deemed persuasive.

However, the rejected claims are still disclosed by Taylor et al and the obvious use of a transparent panel to display merchandise, as taught by Falk et al.

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Any inquiry concerning this communication should be directed to Examiner K. Noland at telephone number (703) 308-2168.

Noland/ph

April 3, 2000

Kenneth W. Noland 4/11/00
KENNETH W. NOLAND
PRIMARY EXAMINER
A.U. 3651